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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,678	02/03/2006	Estevao Marino Espindola	04304/0202957-US0	9882
7278	7590	08/22/2008	EXAMINER	
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			O BRIEN, JEFFREY D	
			ART UNIT	PAPER NUMBER
			3677	
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			08/22/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/536,678	ESPINDOLA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jeffrey O'Brien	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 July 2008.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-15 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Thompson et al. (US 4,932,729) herein referred to as '729.

3. For Claim 1, '729 teaches a hinge arrangement for the front door of a cabinet having a lower front edge (Fig. 3: 22), comprising a hinge body incorporating a front portion (Fig. 2: 81) and a rear portion (44), affixed to the lower front edge (22) of the cabinet and carrying an upwardly projecting hinge pin (98), maintaining a certain spacing from the lower front edge of the cabinet and around which the front door is journaled; a shoe (72) is mounted to the hinge body according to a vertical axis, maintaining said certain spacing from the lower front edge of the cabinet, said shoe being selectively manually displaced in a direction of said axis (axially) between an inoperative position, in which it is operatively spaced from the floor that supports the cabinet, and an operative position, in which it is seated on the floor, in order to transfer to the latter the weight of the front door and to lock the cabinet against displacements on the floor.

4. For Claim 2, '729 teaches the hinge arrangement as set forth in claim 1, wherein the hinge pin (98) presents a lower portion, to be removably affixed into a corresponding

bore (97) provided in the hinge body, and an upper portion, projecting upwardly in relation to the latter.

5. For Claim 3, '729 teaches the hinge arrangement as set forth in claim 2, wherein the hinge pin (98) incorporates a median flange (hexagonal flange seen in Fig. 2 on hinge pin 98) to be seated on the hinge body so as to define an axial bearing to support the front door.

6. For Claim 4, '729 teaches the hinge arrangement as set forth in claim 2, wherein the shoe (72) is coupled to a shoe pin (71) that is removably affixed into a corresponding bore (Fig. 4: 67) provided in the hinge body.

7. For Claim 11, '729 teaches the hinge arrangement as set forth in claim 1, wherein the hinge body incorporates, medianly, an upper flange (Fig. 3: 47) disposed between a front portion (81) and a rear portion (44) of the hinge body, said upper flange and rear portion being respectively seated and affixed against the lower front edge (Fig. 3: 22) and under an adjacent lower wall portion (Fig. 5: 31) of the cabinet.

8. For Claim 12, '729 teaches the hinge arrangement as set forth in claim 11, wherein the upper flange (47) and the rear portion (44) of the hinge body are provided with bores (74, 76, 64 and 63) for the passage of respective front screws (86 and 87) and lower screws (69) to be threaded into respective bores provided in the lower front edge and in the lower wall portion of the cabinet.

9. For Claim 13, '729 teaches the hinge arrangement as set forth in claim 11, wherein the hinge body further carries a roller (Fig. 2: 56) for displacing the cabinet on the floor.

10. For Claim 14, '729 teaches the hinge arrangement as set forth in claim 12, wherein the roller (56) is journalled in a lower projection (54) of the rear portion (44) of the hinge body.

11. For Claim 15, '729 teaches the hinge arrangement as set forth in claim 1, comprising two hinge bodies (44) secured to the lower front edge of the cabinet, one of said hinge bodies carrying a shoe (72) and being affixed close to the end of the lower front edge turned to the opening side of the front door, and the other hinge body carrying a shoe (72) and a hinge pin (98) and being affixed to the end of the lower front door turned to the hinge side of the front door (column 6, lines 39-41).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

14. Claims 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (US 4,932,729) herein referred to as '729 as applied to claims 1-4 above, and further in view of Montuoro et al. (US 5,215,367) herein referred to as '367.

15. For Claim 5, '729 teaches the hinge arrangement as set forth in claim 4. '729 does not teach wherein the hinge pin has its lower portion rotatably locked in the hinge body when fitted inside the respective bore of the latter. '367 teaches wherein the hinge pin has its lower portion rotatably locked in the hinge body when fitted inside the respective bore of the latter (Column 2, Lines 42-46). It would be obvious to one of ordinary skill in the art at the time of the invention to apply the lower portion of the pin shaped in such a way as to secure it rotationally such as that of '367 to the hinge pin of '729 in order to prevent unwanted rotation.

16. For Claims 6 and 7, '729 and '367 do not teach the hinge arrangement wherein the bore of the hinge body presents a lower portion of smaller diameter, and an upper portion of larger diameter and with a non-circular cross section and wherein the lower portion of the hinge pin incorporates an enlargement which is fitted and locked against rotation inside the upper portion of the bore of the hinge body, while the lower portion of the hinge pin is fitted with a small gap inside the lower portion of the bore of the hinge body. It would have been an obvious matter of design choice to replace a bore having a uniform diameter for both an upper and lower portion and a uniform fixed pin structure with one that has a upper and lower structure of different diameters and a stepped pin, as Applicant has not disclosed that it solves any stated problem of the prior art or is for

any particular purpose. It appears that the invention would perform equally well as the inventions disclosed by '729 and '367.

17. For Claim 8, '729 teaches the hinge arrangement, wherein the lower portion of the bore of the hinge body is threaded (Column 6, Line 56) along at least part of its longitudinal extension.

18. For Claim 9, '729 teaches the hinge arrangement as set forth in claim 8, wherein the shoe pin (71) is provided with an external thread (Column 6, Line 12) to be threaded inside the lower portion of a respective bore (67) of the hinge body.

19. For Claim 10, '729 does not teach the hinge arrangement, wherein the bores for the fixation of the hinge pin and the shoe pin are identical and disposed side by side, with their axes lying on a plane that is parallel to the lower front edge of the cabinet. '729 does however teach a hinge structure having two side by side threaded bores (96 and 97) having axes that lie on a plane that is parallel to the lower front edge of the cabinet. These bores are used for reversing the attachment of the hinge pin (98). '729 also teaches the use of a threaded bore (67) for attaching the shoe (72). It would have been an obvious matter of design choice to attach the shoe (72) to the thread bore (96) of the hinge pin instead of the threaded bore (67) of the shoe pin, as Applicant has not disclosed that it solves any stated problem of the prior art or is for any particular purpose. It appears that the invention would perform equally well as the invention disclosed by '729.

***Response to Arguments***

20. Applicant's arguments filed 7/2/2008 have been fully considered but they are not persuasive.

21. Regarding Claim 1, Applicant argues that '729 does not disclose wherein the shoe can be selectively manually displaced in a direction of said axis between an inoperative position, in which it is operatively spaced from the floor that supports the cabinet, and an operative position, in which it is seated on the floor in order to transfer to the latter the weight of the front door and to lock the cabinet against the displacements on the floor. The shoe (72) has a threaded portion (71) which threadedly engages the hinge body to allow the leveling leg to be adjusted vertically in the conventional manner. It is well known that the conventional manner of vertically adjusting a threaded leveling leg is to rotate the threaded leg in the threaded bore to permit it to translate along the axis. It is clearly shown in Figure 3 of '729 that the shoe (72) is in an inoperative position as the bottom of the shoe is well above the bottom of the roller (56). The shoe is then able to be rotated about its axis to translate vertically and contact the surface upon which the rollers rest. The weight is then transferred from the rollers to the shoe. If this were not the case, the shoes would not be able to properly function to level the cabinet as disclosed.

22. In response to Applicant's argument that the shoe of '729 does not transfer the weight of the front door, it is clear that when the shoe is moved from the inoperative (raised) position to the operative (lowered) position that the weight of the door is transferred from the roller to the shoe since the shoe is acting as support for the

cabinet. If the shoe did not act as support for the cabinet, it would not be able to properly function to level the cabinet as disclosed.

***Conclusion***

23. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey O'Brien whose telephone number is (571)270-3655. The examiner can normally be reached on Monday through Friday 8:00am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Victor Batson/  
Supervisory Patent Examiner, Art Unit 3677

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